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Attorneys for Plaintiff  
9 UNITED STATES OF AMERICA

10 UNITED STATES DISTRICT COURT

11 FOR THE CENTRAL DISTRICT OF CALIFORNIA

12 UNITED STATES OF AMERICA,

13 Plaintiff,

14 v.

15 ROBERT RUNDO,  
16 ROBERT BOMAN,  
AARON EASON, and  
17 TYLER LAUBE,

18 Defendants.

No. CR 18-759-CJC

REVISED STIPULATION REGARDING  
REQUEST FOR (1) CONTINUANCE OF  
TRIAL DATE AND (2) FINDINGS OF  
EXCLUDABLE TIME PERIODS PURSUANT  
TO SPEEDY TRIAL ACT

**CURRENT T-MAX DATE:**  
April 19, 2022

**PROPOSED TRIAL DATE:**  
April 11, 2023

19  
20 Plaintiff United States of America, by and through its counsel  
21 of record, the United States Attorney for the Central District of  
22 California and Assistant United States Attorney Solomon Kim, and  
23 defendant TYLER LAUBE ("LAUBE"), both individually and by and through  
24 his counsel of record, Jerome Haig, and defendant AARON EASON  
25 ("EASON"), both individually and by and through his counsel of  
26 record, John McNicholas, (collectively "defendants") hereby stipulate  
27 as follows:  
28

1           1.     The Indictment in this case was filed on November 1, 2018.  
2 Defendant Robert Rundo first appeared before a judicial officer of  
3 the court in which the charges in this case were pending on October  
4 22, 2018. Defendant Robert Boman first appeared before a judicial  
5 officer of the court in which the charges in this case were pending  
6 on October 24, 2018. Defendant LAUBE first appeared before a  
7 judicial officer of the court in which the charges in this case were  
8 pending on October 24, 2018. Defendant EASON first appeared before a  
9 judicial officer of the court in which the charges in this case were  
10 pending on October 29, 2018.

11           2.     In April 2019, defendants Rundo, Boman, and EASON moved to  
12 dismiss the Indictment. In June 2019, defendant LAUBE likewise moved  
13 to dismiss the Indictment. The Court subsequently granted both  
14 motions and dismissed the Indictment.

15           3.     The government timely appealed the Court's dismissal order,  
16 and, on March 4, 2021, the Ninth Circuit reversed the Court's order  
17 and remanded for further proceedings. The mandate issued on February  
18 8, 2022. The Court held a status conference on March 3, 2022, where  
19 it ordered the parties to file a stipulation to continue the trial  
20 and a proposed case management order.

21           4.     Defendants LAUBE and EASON are currently released, having  
22 had their bonds exonerated previously following the Court's dismissal  
23 of the indictment. Since the Ninth Circuit's reversal, defense  
24 counsel for Rundo and Boman have been unable to reach and communicate  
25 with their respective clients. The parties estimate that the trial  
26 in this matter will last approximately four weeks. All defendants  
27 are joined for trial and a severance has not been granted.

1           5.     The Speedy Trial Act, 18 U.S.C. § 3161(e), requires that  
2 the retrial commence on or before April 19, 2022. See 18 U.S.C. §  
3 3161(e); United States v. Lloyd, 125 F.3d 1263, 1265 (9th Cir. 1997).

4           6.     By this stipulation, defendants move to continue the trial  
5 date to April 11, 2023 and the pretrial conference to April 3, 2023,  
6 and to set a motion schedule as follows: motions to be filed by  
7 December 7, 2022; oppositions to be filed by December 21, 2022;  
8 replies to be filed by December 28, 2022; and any motions hearing on  
9 January 11, 2023. This is the first request for a continuance since  
10 the Ninth Circuit's mandate.

11           7.     Defendants request the continuance based upon the following  
12 facts, which the parties believe demonstrate good cause to support  
13 the appropriate findings under the Speedy Trial Act:

14                 a.     Defendants are charged with violations of 18 U.S.C.  
15 §§ 371 (Conspiracy) and 2101 (Riots). The government has made  
16 available to the defense approximately 44,000 pages of discovery.

17                 b.     Defense counsel for defendant LAUBE is presently  
18 scheduled to be in the following trials: (1) United States v. Vlha,  
19 No. CR 19-343-GW, a gun distribution trial set for May 24, 2022 and  
20 expected to last one week; (2) United States v. Lerma, No. CR 20-226-  
21 JAK, a drug possession with intent to distribute trial set for July  
22 26, 2022 and expected to last three days; (3) United States v.  
23 Givens, No. CR 20-75-JAK, a multi-defendant wire fraud trial set for  
24 July 26, 2022 and expected to last two weeks; (4) United States v.  
25 Vuong, No. CR 19-275-ODW, a multi-defendant international drug  
26 conspiracy trial set for August 2, 2022 and expected to last two  
27 weeks; and (5) People v. Romo, No. BA475969, a multi-defendant murder  
28 and conspiracy trial set for October 4, 2022 and expected to last two

1 months. Accordingly, counsel represents that he will not have the  
2 time that he believes is necessary to prepare to try this case on or  
3 before April 19, 2022.

4 c. Defense counsel for defendant EASON is presently  
5 scheduled to be in the following trials: (1) United States v. Cruz,  
6 No. CR 19-462-SVW, a twelve defendant crack cocaine conspiracy trial  
7 set for June 7, 2022 and expected to last fourteen days; (2) United  
8 States v. Taylor, No. CR 20-00075-JAK, a seven defendant wire fraud,  
9 aggravated identity theft trial set for July 26, 2022 and expected to  
10 last 12 days; (3) United States v. Shetty, No. CR 19-00527-ODW, a  
11 seven defendant, physician Medicare fraud trial set for September 6,  
12 2022 and expected to last 18 days; (4) United States v. Espinoza, No.  
13 CR 19-00055-MWF, a RICO, drug conspiracy trial involving Vineland  
14 Boys gang set for October 18, 2022 and expected to last three weeks;  
15 (5) United States v. Armstrong, No. CR 19-195-ODW, a five defendant  
16 pharmacy fraud trial set for November 15, 2022 and expected to last  
17 nine days; (6) United States v. Dong, No. CR 19-00027-PSG, a three  
18 defendant birth tourism case involving Chinese mothers set for  
19 February 23, 2023 and expected to last 20 days; and (7) United States  
20 v. Martinez, No. CR 19-117(A)-ODW, a multi-defendant capital case set  
21 for March 28, 2023 and expected to last for several months.

22 Accordingly, counsel represents that he will not have the time that  
23 he believes is necessary to prepare to try this case on or before  
24 April 19, 2022.

25 d. In light of the foregoing, counsel for defendants also  
26 represent that additional time is necessary to confer with  
27 defendants, conduct and complete an independent investigation of the  
28 case, conduct and complete additional legal research including for

1 potential pre-trial motions, review the discovery and potential  
2 evidence in the case, and prepare for trial in the event that a  
3 pretrial resolution does not occur. Defense counsel represent that  
4 failure to grant the continuance would deny them reasonable time  
5 necessary for effective preparation, taking into account the exercise  
6 of due diligence.

7 e. Defendants believe that failure to grant the  
8 continuance will deny them continuity of counsel and adequate  
9 representation.

10 f. The government does not object to the continuance.

11 g. The requested continuance is not based on congestion  
12 of the Court's calendar, lack of diligent preparation on the part of  
13 the attorney for the government or the defense, or failure on the  
14 part of the attorney for the Government to obtain available  
15 witnesses.

16 8. For purposes of computing the date under the Speedy Trial  
17 Act by which defendant's trial must commence, the parties agree that  
18 the time period from the date of the Court issues the corresponding  
19 order to April 11, 2023, inclusive, should be excluded pursuant to 18  
20 U.S.C. §§ 3161(h)(7)(A), (h)(7)(B)(i), and (h)(7)(B)(iv) because the  
21 delay results from a continuance granted by the Court at defendant's  
22 request, without government objection, on the basis of the Court's  
23 finding that: (i) the ends of justice served by the continuance  
24 outweigh the best interest of the public and defendant in a speedy  
25 trial; (ii) failure to grant the continuance would be likely to make  
26 a continuation of the proceeding impossible, or result in a  
27 miscarriage of justice; and (iii) failure to grant the continuance  
28 would unreasonably deny defendant continuity of counsel and would

1 deny defense counsel the reasonable time necessary for effective  
2 preparation, taking into account the exercise of due diligence.

3 9. Defense counsel for defendants Rundo and Boman have been  
4 unable to reach and communicate with their respective clients.  
5 Nonetheless, the stipulating parties agree that, pursuant to 18  
6 U.S.C. § 3161(h)(6), the time period from the date of the Court  
7 issues the corresponding order to April 11, 2023 constitutes a  
8 reasonable period of delay for defendants Rundo and Boman, who are  
9 joined for trial with codefendants LAUBE and EASON as to whom the  
10 time for trial has not run and no motion for severance has been  
11 granted.

12 10. Nothing in this stipulation shall preclude a finding that  
13 other provisions of the Speedy Trial Act dictate that additional time  
14 periods be excluded from the period within which trial must commence.  
15 Moreover, the same provisions and/or other provisions of the Speedy  
16 Trial Act may in the future authorize the exclusion of additional  
17 time periods from the period within which trial must commence.

18 IT IS SO STIPULATED.

19 Dated: March 22, 2022

Respectfully submitted,

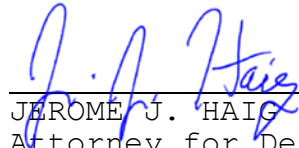
20 TRACY L. WILKISON  
21 United States Attorney

22 CHRISTOPHER D. GRIGG  
23 Assistant United States Attorney  
Chief, Criminal Division

24 /s/  
25 SOLOMON KIM  
Assistant United States Attorney

26 Attorneys for Plaintiff  
27 UNITED STATES OF AMERICA  
28


1 I am TYLER LAUBE's attorney. I have carefully discussed every  
2 part of this stipulation and the continuance of the trial date with  
3 my client. I have fully informed my client of his Speedy Trial  
4 rights. To my knowledge, my client understands those rights and  
5 agrees to waive them. I believe that my client's decision to give up  
6 the right to be brought to trial earlier than April 11, 2023 is an  
7 informed and voluntary one.

8   
9 JEROME J. HAIG  
10 Attorney for Defendant  
11 TYLER LAUBE

March 21, 2022

Date


12 I have read this stipulation and have carefully discussed it  
13 with my attorney. I understand my Speedy Trial rights. I  
14 voluntarily agree to the continuance of the trial date, and give up  
15 my right to be brought to trial earlier than April 11, 2023.

16   
17 Tyler laube (Mar 21, 2022 12:05 PDT)  
18 TYLER LAUBE  
19 Defendant  
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Mar 21, 2022

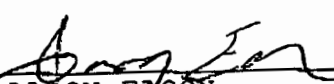
Date

1 I am AARON EASON's attorney. I have carefully discussed every  
2 part of this stipulation and the continuance of the trial date with  
3 my client. I have fully informed my client of his Speedy Trial  
4 rights. To my knowledge, my client understands those rights and  
5 agrees to waive them. I believe that my client's decision to give up  
6 the right to be brought to trial earlier than April 11, 2023 is an  
7 informed and voluntary one.

8   
9 JOHN MCNICHOLAS  
10 Attorney for Defendant  
11 AARON EASON

3/25/2022  
Date

12 I have read this stipulation and have carefully discussed it  
13 with my attorney. I understand my Speedy Trial rights. I  
14 voluntarily agree to the continuance of the trial date, and give up  
15 my right to be brought to trial earlier than April 11, 2023.

16   
17 AARON EASON  
18 Defendant

3-25-22  
Date